



- **Proclamation/Certificate**

- **Entrepreneurship Week** - Mayor Ireton presented the proclamation to proclaim May 4 – 9, 2015 as Salisbury University Entrepreneurship Week in Salisbury (no one was present to receive the proclamation). Entrepreneurship Week will culminate on May 9, 2015 when Salisbury University will partner with local affiliate ABC and Maryland Capital Enterprises to again host an open casting call for Shark Tank, the business themed reality show that offers a venue for entrepreneurs to showcase their ideas and business plans to investors who have the potential to fund their startup to business.
- **Salisbury Arts & Entertainment District Award** – Mayor Ireton invited Lee Whaley and Connie Strott, Co-chairs of the Salisbury Arts & Entertainment District, to the podium to receive the Certificate of Recognition on behalf of the Salisbury Arts & Entertainment District in recognition of achieving the Annual Outstanding Achievement Award from the Maryland State Arts Council.

- **Pinwheels for Protection**

Courtney Geiser presented the Pinwheels for Protection campaign to bring awareness to April as being Child Abuse Awareness Month. Pinwheels have been selling to raise funds for the cause. The original goal was to raise \$3,000, and over \$9,000 to date has been raised. Defense Attorney Jamie Dykes joined Ms. Geiser to speak about child abuse awareness and prosecution.

More information on how to donate to Pinwheels for Protection can be accessed online at <http://www.lifecrisiscenter.org> or by emailing Ms. Geiser at [CSGeiser@hotmail.com](mailto:CSGeiser@hotmail.com)

- **Delegate Carl Anderton update**

Delegate Anderton joined Council at the podium to provide an update on the recent Legislative Session in Annapolis. He announced there was success in passing a bill that will allow Evolution Brewery and Tall Tales to go to 45,000 barrels of beer per year, hire 50 new employees at Evolution and keep the 70 restaurant employees.

## **ADOPTION OF LEGISLATIVE AGENDA**

Mr. Spies moved and Mr. Heath seconded to adopt the legislative agenda.

Mrs. Shields moved to amend the legislative agenda by removing Resolution No. 2495 from the Consent Agenda to be placed after the Consent Agenda, for discussion.

The legislative Agenda as amended was unanimously approved on a 4-0 vote.

**CONSENT AGENDA** – presented by City Clerk Kim Nichols

The Consent Agenda was unanimously approved (4-0 vote) on a motion and seconded by Mr. Spies and Mr. Heath, respectively:

- April 6, 2015 work session minutes
- April 13, 2015 regular meeting minutes
- Approving a Manufacturing Exemption for Delmarva Printing and Design, Inc. for equipment purchased in 2008, 2009 and 2010
- Resolution No. 2492 – to approve a lease with Shore Fresh Growers Association for the purpose of operating a producer's farmers' market in Downtown Salisbury
- Resolution No. 2493 - to approve a lease with the Salisbury Area Chamber of Commerce for the purpose of operating a Park & Flea Market in Downtown Salisbury
- Resolution No. 2494 – authorizing the Mayor to sign the grant agreement and accept a grant of \$68,785.00 from Maryland Department of the Environment for Salisbury City Yard comprehensive environmental site design

**RESOLUTION NO. 2495** - to enter into a commercial lease agreement accepting the donated space of 800-E South Salisbury Boulevard and authorizing the Chief of Police or designee to sign the lease agreement

Mr. Spies moved, Mr. Heath seconded, and the vote was unanimous (4-0) to approve Resolution No. 2495.

**PUBLIC HEARING/ORDINANCE NO. 2323** – 2<sup>nd</sup> reading – Northeast Collector supplemental ordinance to restructure the Aydelotte property TIF bonds

Mrs. Shields moved and Mr. Heath seconded to approve Ordinance No. 2323 for second reading.

Mr. Tilghman presented Ordinance No. 2323 for second reading. Mr. Day opened the Public Hearing at 6:54 p.m., and with no speakers requested, immediately closed the Public Hearing. :

After Council's comments, Ordinance No. 2323 for second reading was unanimously approved on a 4-0 vote.

**AWARD OF BIDS** – presented by Assistant Director of Internal Services – Procurement & Parking Jennifer L. Miller

The Award of Bids, consisting of the following item, was unanimously approved (4-0 vote) on a motion by Mrs. Shields and seconded by Mr. Spies:

- Contract RFP 10-15 – WWTP Upgrade Construction Mgmt and Inspection Services - \$2,201,415.00
- Change Order #1 - RFP 09-14 Real Estate Consulting Services - \$ 10,000.00
- Change Order #3 – RFP 01-11-11 Automated Speed Enforcement System (change to

contract sum from percentage of revenue to a per system cost)

§ 0.00

**RESOLUTION** – presented by City Administrator Tom Stevenson

- *Resolution No. 2496 – approving the City’s Action Plan for Community Development Block Grant (CDBG) funds for CDBG Program year 2015 and to authorize the Mayor’s signature thereto*

*Mr. Heath moved, Mrs. Shields seconded, and the vote was unanimous (4-0) to approve Resolution No. 2496.*

**ORDINANCES** – presented by City Attorney Mark Tilghman

- *Ordinance No. 2320 – 2<sup>nd</sup> reading – to amend Salisbury Municipal Code Sections 17.04.120 Definitions and 17.166.040 Nonconforming Uses for the purpose of amending the definitions of significant amount, and to add Sections 17.166.090 and 17.166.100 for the purpose of allowing inspections and administrative search warrants by the City, and; stating certain findings; providing for the application of the ordinance; and generally relating to adult entertainment business*

*Mr. Spies moved, Mr. Heath seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2320 for second reading.*

- *Ordinance No. 2321 – 2<sup>nd</sup> reading – to amend Salisbury Municipal Code Section 5.08.010 Definitions for the purpose of amending the definition of significant amount; stating certain findings; providing for the application of the ordinance; and generally relating to adult entertainment business*

*Mr. Heath moved, Mrs. Shields seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2321 for second reading.*

- *Ordinance No. 2322 – 2<sup>nd</sup> reading – authorizing the City to issue and sell general obligation bonds in an amount not to exceed thirty-eight million dollars (\$38,000,000) for the purpose of financing, reimbursing or refinancing costs incurred in connection with Enhanced Nutrient Removal and Biological Nutrient Removal upgrades*

*Mrs. Shields moved and Mr. Heath seconded to approve Ordinance No. 2322 for second reading.*

*Bond Counsel Lindsey Radar was invited to the podium and reported that she had been working with Maryland Water Quality Financing Administration on the draft loan agreements. She has prepared a resolution which will be presented in May fixing the details of the loans.*

*Ordinance No. 2322 was unanimously approved on a 4-0 vote for second reading.*

- Ordinance No. 2324 – 2<sup>nd</sup> reading – approving a budget amendment of the FY15 General Fund to appropriate funds to purchase one hundred and two (102) replacement radio batteries in the amount of \$10,863.00

*Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2324 for second reading.*

- Ordinance No. 2325 – 2<sup>nd</sup> reading - approving a budget amendment of the FY15 General Fund to appropriate funds to up fit Salisbury Police Department Tactical Team equipment with respect to officer and public safety. The equipment will also decrease City liability by outfitting Tactical Officers with fire retardant gear, improve weapon optics and illumination, and storage

*Mrs. Shields moved, Mr. Heath seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2325 for second reading.*

- Ordinance No. 2326 – 2<sup>nd</sup> reading - amending Chapter 8.04 of the Salisbury Municipal Code to require Enhanced Call Verification (ECV) for alarm dispatch notification systems

*Mr. Spies moved, Mr. Heath seconded and the vote was unanimous (4-0) to approve Ordinance No. 2326 for second reading.*

- Ordinance No. 2327 – 2<sup>nd</sup> reading – setting updated false alarm fees

*Mr. Heath moved, Mrs. Shields seconded and the vote was unanimous (4-0) to approve Ordinance No. 2327 for second reading.*

- Ordinance No. 2328 – 1<sup>st</sup> reading – approving a budget amendment of the FY2015 Fire Department budget to transfer insurance funds received by the City to the Fire Department Operating Budget from the General Fund Revenue received for repairs performed on Tanker/Engine 1-1 and Tower 16

*Mrs. Shields moved, Mr. Heath seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2328 for first reading.*

- Ordinance No. 2329 - 1<sup>st</sup> reading - to designate a No Parking Zone on Pinehurst Avenue between Smith Street and Lorecrop Avenue and a Restricted Parking Zone on Pinehurst Avenue between Camden Avenue and Smith Street

*Mr. Heath moved and Mrs. Shields seconded to approve Ordinance No. 2329 for first reading.*

*Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to amend Ordinance No. 2329 for first reading by inserting “to disallow parking Monday thru Friday between 8:30 am to 7:30 pm except by permit” on Line 37 after Smith Street.*

*Ordinance No. 2329 for first reading, as amended, was unanimously approved.*

- *Ordinance No. 2330 - 1st reading - granting a utility easement to Delmarva Power & Light Company across City owned properties on Fitzwater Street and Delaware Avenue and Ridge Road in Salisbury, Maryland*

*Mr. Spies moved and Mr. Spies seconded to approve Ordinance No. 2330 for first reading.*

*Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to amend Ordinance No. 2330 by inserting on Line 16 after "agreement," and before "attached" the following: "a draft of which is".*

*The vote was unanimous (4-0) to approve Ordinance No. 2330 for first reading, as amended.*

- *Ordinance No. 2331 – 1<sup>st</sup> reading - amending Title 6, Animals, of the Salisbury City Code to add definitions related to beekeeping and enacting Chapter 6.06 to authorize beekeeping, subject to certain regulations*

*Mr. Spies moved, Mr. Heath seconded, and the vote was unanimous to amend Ordinance No. 2331 by striking "with removable frames" on Line 93.*

*Ordinance No. 2331 for first reading, as amended, was unanimously approved.*

- *Ordinance No. 2332 - 1st reading – appropriating the necessary funds for the operation of the government and administration of the City of Salisbury, MD for the period July 1, 2015 to June 30, 2016, establishing the levy for the General Fund for the same fiscal period and establishing the appropriation for the Water and Sewer, Parking Authority, City Marina, and Storm Water Funds*

*Mr. Heath moved, Mrs. Shields seconded, and the vote was unanimous to approve Ordinance No. 2332 for first reading.*

- *Ordinance No. 2333 - 1st reading – to amend sewer only rates to new amount and decrease all other water sewer rates by 2.0%, making said changes effective for all bills dated October 1, 2015 and thereafter unless and until subsequently revised or changed*

*Mrs. Shields moved, Mr. Heath seconded, and the vote was unanimous to approve Ordinance No. 2333 for first reading.*

### **ADJOURNMENT**

*As there were no requests for public comments, Council President Day adjourned the Legislative Session at 8:05 p.m.*

*CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
APRIL 13, 2015*

*TIME & PLACE: 5:05 p.m., Government Office Building – Council Chambers, Room 301*

*PURPOSE: To consult with counsel to obtain legal advice on a legal matter*

*VOTE TO CLOSE: Unanimous (4-0)*

*CITATION: Annotated Code of Maryland §10-508(a)(7)*

*PRESENT: Council President Jacob R. Day, Councilwoman Eugenie P. Shields, Councilman John “Jack” R. Heath, Councilman Timothy K. Spies, City Clerk Kimberly R. Nichols, Assistant City Administrator Julia Glanz, City Attorney Mark Tilghman, and Local Government Insurance Trust (LGIT) Attorneys Breads and Peter*

*NOT PRESENT: Council Vice President Laura Mitchell, Mayor James Ireton, Jr.*

*\*\*\*\*\**

*The City Council convened in Open Session in Room #301 in the Government Office Building at 5:00 p.m. Mr. Heath moved, Mrs. Shields seconded, and the vote was 4-0 (Mrs. Mitchell was absent) to convene in Closed Session for the purpose of consulting with counsel to obtain legal advice on a legal matter in accordance with the Annotated Code of Maryland §10-508(a)(7).*

*At 5:40 p.m., on a motion and seconded by Mrs. Shields and Mr. Spies, respectively, and by unanimous vote in favor (4-0), the Closed Session was adjourned and Council reconvened in Legislative Session. President Day reported that while in Closed Session Council had authorized LGIT attorneys to take action in two pending legal matters.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
APRIL 20, 2015

**TIME & PLACE:** 1:30 p.m., Government Office Building – Council Chambers, Room 301  
**PURPOSE:** To consider the acquisition of real property for a public purpose and matters directly related thereto and before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process

**VOTE TO CLOSE:** Unanimous

**CITATION:** Annotated Code of Maryland §10-508(a)(3)(14)

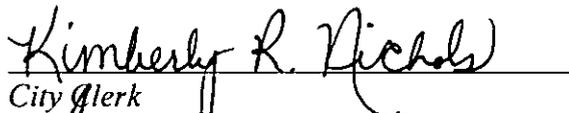
**PRESENT:** Council President Jacob R. Day, Council Vice President Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman John “Jack” R. Heath, Councilman Timothy K. Spies, City Clerk Kimberly R. Nichols, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz, Assistant Director of Internal Services – Procurement & Parking Jennifer L. Miller, and City Attorney Mark Tilghman

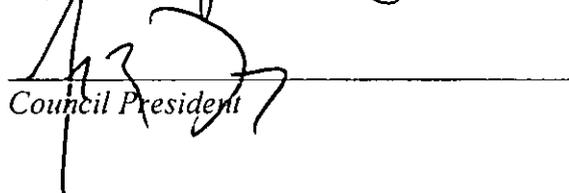
**NOT PRESENT:** Mayor James Ireton, Jr.

\*\*\*\*\*

The City Council convened in Open Session in Room #301 in the Government Office Building at 1:30 p.m. Mrs. Shields moved, Mrs. Mitchell seconded, and the vote was unanimous to convene in Closed Session for the purpose of considering the acquisition of real property for a public purpose and matters directly related thereto and before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process in accordance with the Annotated Code of Maryland §10-508(a)(3)(14).

At 2:09 p.m., on a motion and seconded by Mrs. Shields and Mrs. Mitchell, respectively, and by unanimous vote in favor, the Closed Session was adjourned and Council reconvened in open Work Session. President Day reported that while in Closed Session Council had discussed the City Attorney billings and contract and made a decision to surplus a piece of City property.

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Council President

# City of Salisbury



MARYLAND

JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
INTERIM CITY ADMINISTRATOR

VACANT  
ASSISTANT CITY ADMINISTRATOR



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KEITH A. CORDREY  
DIRECTOR OF INTERNAL SERVICES  
PROCUREMENT DIVISION

## COUNCIL AGENDA – Award of Bid

April 27, 2015

- |   |                |
|---|----------------|
| 1. Contract RFP 10-15<br>WWTP Upgrade Construction Mgmt and Inspection Services   | \$2,201,415.00 |
| 2. RFP 09-14 Real Estate Consulting Services<br>Change Order #1   | \$ 10,000.00   |
| 3. RFP 01-11 Automated Speed Enforcement System<br>Change Order #3<br>(*change to contract sum from percentage of revenue to a per system cost) | \$ 0.00*       |

# City of Salisbury



MARYLAND

JAMES HRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR



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KEITH A. CORDREY  
DIRECTOR OF INTERNAL SERVICES

JENNIFER MIELER  
ASST. DIRECTOR OF INTERNAL SERVICES

## Council Agenda

April 27, 2015

TO: Mayor and City Council

SUBJECT: Award of Bid  
RFP 10-15 WWTP Upgrade Construction Management and Inspection Services

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Public Works Department to solicit bids for RFP 10-15 WWTP Upgrade Construction Management and Inspection Services. The construction management vendor will be responsible for overall project coordination and engineering support for the WWTP BNR/ENR Upgrade, including key functions such as leading the construction and progress meetings, monitoring Contractor's compliance with MDE requirements, document control of submittal review and approval process, and schedule review. In addition, this solicitation requires that the vendor provide two (2) full time inspectors who will be the Construction Manager's full time representative at the site. The inspector will observe the progress and quality of the work and be responsible for oversight of the Contractor and inspection of the work to ensure conformance with the Contract Documents.

The Procurement Department followed standard bid practices by advertising in the Daily Times, on the City of Salisbury's website, utilizing the City's vendor list, and advertising on the State of Maryland's website, eMaryland Marketplace. A total of four (4) vendors submitted a bid by the due date and time of March 12, 2015 at 2:30 p.m. A evaluation committee comprised of Salisbury Public Works employees reviewed the vendor proposals and ranked each proposer on a scale of zero (unacceptable) to four (superior) according to the evaluation criteria established in the RFP:

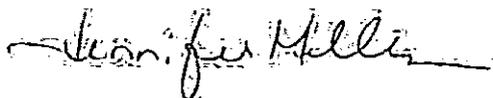
Weighting Factor	Criterion
40%	Price and billable rates.
35%	Expertise, experience, and qualifications of the Vendor, its personnel and proposed subcontractors as related to the Scope of Services.
20%	Project Approach including document, cost and schedule control measures.
5%	Experience working on projects using any State Revolving Fund (SRF) loan funding.

Consultant	Total Base Bid (including Testing Allowance)	Inspection (Hourly Rate O/T)	Composite Score	Ranking
GHD	\$2,168,415.00	\$132.00	3.73	1
Hazen and Sawyer	\$2,378,939.64	\$82.82	3.06	2
Whitman, Requardt & Associates	\$2,826,496.00	\$150.00	2.43	3
Louis Berger	\$2,999,996.66	\$94.80	1.72	4

Per the award procedures defined in the bidding documents, the City chose to interview the top three (3) firms which were deemed as fully qualified, responsible, suitable, and professionally competent to provide the required services. Upon the conclusion of the interview process, GHD was determined by the evaluation committee to have presented the best proposal due to their clear understanding of the work required, staff experience and successful completion of similar projects.

The Procurement Department requests Council's approval to award RFP 10-15 to GHD in the amount of \$2,201,415, which includes the base bid of \$2,168,415 plus 250 hours of O/T inspection services (upon DPW authorization).

Sincerely,



Jennifer Miller

Assistant Director of Internal Services – Procurement and Parking

# City of Salisbury



MARYLAND

Salisbury



JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

125 NORTH DIVISION STREET  
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MICHAEL S MOULDS, P.E.  
DIRECTOR OF PUBLIC WORKS

To: Jennifer Miller, Assistant Director of Internal Services – Procurement & Parking  
From: Michael Moulds, Director of Public Works *MSM*  
Date: April 8, 2015  
Re: RFP 10-15 WWTP Upgrade Construction Management and Inspection Services

Salisbury Public Works recently advertised a Request for Proposals for Engineering Construction Services for the Wastewater Treatment Plant (WWTP) Biological Nutrient Removal (BNR) and Enhanced Nutrient Removal (ENR) Upgrade. The design of the upgrade was performed by Brown and Caldwell, who will have a limited scope during construction including reviewing all technical submittals, responding to Requests for Information, reviewing change orders and providing the Engineer of Record certification that the work was generally completed in accordance with the design.

The Construction Management and Inspection Services RFP 10-15 is to provide an Engineer to act as the Owner's representative and coordinate Construction Management activities with the Owner, the General Contractor and Brown and Caldwell. Additionally, the Construction Management Vendor will provide two (2) full time Inspectors at the site (one Lead and one Assistant). The Construction Management scope includes chairing the pre-construction meeting and monthly progress meetings and issuing minutes, chairing the bi-weekly construction sequencing and scheduling meetings, reviewing the schedule, reviewing and responding to Requests for Information, proposed change orders and work change directives, reviewing monthly partial payment applications, reviewing and acting on submittals and testing, developing a punch list and preparing recommendations of Substantial Completion and Final Acceptance.

Four (4) firms submitted proposals to RFP 10-15 WWTP Upgrade Construction Management and Inspection Services on March 12, 2015 at 3:30 p.m. Each member of the Selection Committee independently ranked the four respondents based upon the evaluation criteria established in the RFP. The criteria and weighting factor is shown below:

- 40% Price and billable rates.
- 35% Expertise, experience, and qualifications of the Vendor, its personnel and proposed subcontractors as related to the Scope of Services.
- 20% Project Approach including document, cost and schedule control measures.
- 5% Experience working on projects using any State Revolving Fund (SFR) loan funding.

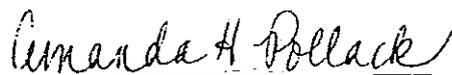
The rating scale is from zero to four with zero being unacceptable and four being superior. After completing a detailed independent review, the Selection Committee then met to compare individual rankings and to develop a composite ranking of each firm. The proposed contract costs and the composite rankings are provided below. Please note that the total base bid for each Vendor includes a \$140,000 allowance for concrete and soils testing. Payment for testing will be made based on the actual cost of the tests performed.

Consultant	Construction Management Services	Inspection Services	Total Base Bid (including Testing Allowance)	Construction Mgmt. and Inspection (Monthly Rate)	Inspection Hourly Rate (Overtime Hours)	Composite Score	Ranking
GHD	\$805,836.00	\$1,222,579.00	\$2,168,415.00	\$64,888.00	\$132.00	3.73	1
Hazen and Sawyer	\$536,808.44	\$1,702,131.20	\$2,378,939.64	\$31,816.00	\$82.82	3.06	2
Whitman, Requardt & Associates	\$1,134,928.00	\$1,551,568.00	\$2,826,496.00	\$91,177.00	\$150.00	2.43	3
Louis Berger	\$1,197,003.44	\$1,662,993.22	\$2,999,996.66	\$26,275.20	\$94.80	1.72	4

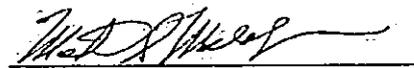
Based on the rankings, the top three (3) Vendors were interviewed. The Selection Committee, Procurement Department staff and WWTP staff interviewed GHD, Hazen and Sawyer, and Whitman, Requardt & Associates on April 7, 2015. The Selection Committee believes that GHD presented the best team to successfully complete this project due to their clear understanding of the scope of work and successful completion of similar projects. GHD is experienced in working with MDE on ENR Upgrades across Maryland. GHD has recently performed Construction Management services on ENR Upgrades at the Annapolis WWTP, Aberdeen AWWTP, Easton WWTP, Elkton WWTP, and the Havre de Grace WWTP. Their Project Approach showed their intimate knowledge of the specific details of the Salisbury WWTP Upgrade and the challenges and risks associated with the project. GHD's references were called and provided positive feedback.

Public Works recommends award of RFP 10-15 to GHD in the amount of \$2,201,415.00. In addition to the Construction Management and Inspection Total Base Bid price of \$2,168,415.00, we recommend that the Purchase Order include 250 hours of overtime inspection rates at \$132.00/hour. The overtime inspection will be authorized by Public Works in advance of use.

The award is contingent upon funding agency approval. The bids and bidding procedures are under review of the Maryland Department of the Environment. The funding package is scheduled for approval at a BPW meeting on May 13, 2015. The eligible Construction Services contract will be funded with the same grant and loan eligibility percentages as the overall construction project.



Amanda H. Pollack, P.E.  
Deputy Director



Michael S. Moulds, P.E.  
Director of Public Works

# City of Salisbury



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Salisbury



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KEITH A. CORDREY  
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER  
ASST. DIRECTOR OF INTERNAL  
SERVICES

## Council Agenda

April 27, 2015

TO: Mayor and City Council

SUBJECT: Change Order #1/First Amendment to Contract RFP 09-14  
Real Estate Consulting Services

The City of Salisbury awarded Contract RFP 09-14 Real Estate Consulting Services to Sperry Van Ness in June 2014. Sperry Van Ness was then instrumental in the negotiation process for RFP 05-14 Disposition and Development of Parking Lots #1 & 11. In February of 2015, the City terminated the exclusive negotiation period with the proposer, and proceeded to re-bid the solicitation for the redevelopment of the noted parking lots. The bid opening date for the re-bid of RFP 05-14 is April 30. Should the City receive favorable proposals which would necessitate the services of a real estate and redevelopment consultant, the Administration wishes to continue the contractual agreement with Sperry Van Ness. At this time, the Administration is requesting a two-month extension of the contract and at a flat rate of \$5,000 per month which would include all services as specified in the original scope of work and contract documents.

The Department of Internal Services, Procurement Division, requests Council's approval to process Change Order #1/First Amendment as noted above to Sperry Van Ness in the amount of \$10,000.

Sincerely,

Jennifer Miller  
Asst. Director of Internal Services – Procurement and Parking

# City of Salisbury



MARYLAND



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PROCUREMENT DIVISION

JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
INTERIM CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

## FIRST AMENDMENT TO AGREEMENT BETWEEN THE CITY OF SALISBURY AND SPERRY VAN NESS CONTRACT RFP 09-14

This First Amendment ("Amendment") to Agreement between the City of Salisbury and Vendor is dated effective as of the later of May 1, 2015 or date fully executed by both parties ("Effective Date"), and is entered into by and between the City of Salisbury and Sperry Van Ness.

It is mutually understood and agreed by and between the undersigned contracting parties to amend that previously executed agreement as follows:

### Amendments:

1. This extends the contract for an additional two months, May and June, 2015, should the City receive a favorable response to RFP 05-14 Re-Bid "Disposition and Development of Parking Lots #1 & 11" and require the services of a redevelopment consultant.
2. The "Contract Sum" for this extension will be \$5,000 per month, for a total of \$10,000.

Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this amendment and the Agreement or any earlier amendment, the terms of this amendment will prevail.

IN WITNESS WHEREOF, The City of Salisbury and Sperry Van Ness have executed and delivered this Amendment effective as of the Effective Date.

CITY OF SALISBURY

"Sperry Van Ness"

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

# City of Salisbury



MARYLAND

JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

Salisbury



2010

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KEITH A. CORDREY  
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER  
ASST. DIRECTOR OF INTERNAL  
SERVICES

## Council Agenda

April 27, 2015

TO: Mayor and City Council

SUBJECT: Change Order #3/Third Amendment to Contract RFP 01-11  
Automated Speed Enforcement System

The City of Salisbury awarded Contract RFP 01-11 Automated Speed Enforcement System to Brekford Corporation in May 2011. The contract sum at that time was thirty-five percent (35%) of monthly collections. In 2014, speed camera reform legislation was passed in Maryland, which included the phase out of the so-called "bounty system" of collections. Existing contracts were "grandfathered in" until the expiration date of the contract. The City's current contract with Brekford expires in November 2015, with a final one-year renewal option which would extend the contract until November 2016.

To comply with the new legislation, the Salisbury Police Department and Brekford Corporation wish to amend the contract by stipulating a set contract sum per system in operation. This new contract amount will be a monthly sum of \$5,750.00 per system (the City currently has six automated speed enforcement cameras in operation) and would go into effect as of the later of May 1, 2015 or date fully executed by both parties. A copy of the amendment is attached.

The Department of Internal Services, Procurement Division, requests Council's approval to process Change Order #3/Third Amendment as noted above to Brekford Corporation.

Sincerely,

Jennifer Miller  
Asst. Director of Internal Services – Procurement and Parking

# City of Salisbury



MARYLAND



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INTERIM CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

## THIRD AMENDMENT TO AGREEMENT BETWEEN THE CITY OF SALISBURY AND BREKFORD CORPORATION CONTRACT RFP 01-11

This Third Amendment to Agreement between the City of Salisbury and Vendor ("Contractor") is dated effective as of the later of May 1, 2015 or date fully executed by both parties ("Effective Date"), and is entered into by and between the City of Salisbury and Brekford Corporation.

It is mutually understood and agreed by and between the undersigned contracting parties to amend that previously executed agreement as follows:

### Amendments:

- This Third Amendment renews Contract RFP 01-11 for a third and final year at the same terms and conditions as the original agreement, with the exception of the "Contract Sum" and the addition of Articles 10 & 11 as noted below. The new expiration date will be November 2, 2016.
- Amends "Contract No. RFP 01-11 Automated Speed Enforcement, Article-4 Contract Sum" to "The City shall pay the Contractor in current funds for the providing of the services, as provided in the Contract Documents, the Contract Sum of \$5,750.00 per system in operation during the billing month. Citations issued prior to the effective date of this amendment will be billed based on the compensation described in "Standard Form of Agreement" for Contract No. RFP 01-11 Automated Speed Enforcement, Article-4 Contract Sum.
- Add Article- 10 Erroneous Termination: "The City may terminate the contract or enforce liquidated damages with the Contractor if more than 5% of the all potential violations in a calendar year are erroneous. These erroneous reasons include: a recorded image of a registration plate that does not match the registration plate issued for the motor vehicle in the recorded image, a recorded image that show a stopped vehicle or no progression, an incorrectly measured speed for a motor vehicle, a measured speed of a motor vehicle that is below the threshold speed, a recorded image that was taken outside of the hours and days that speed monitoring systems are authorized for use in school zones, & a recorded image that was taken by a speed monitoring system with an expired calibration certificate. These potential reasons are stated in TA §21-809 (3.ii) and does not include that a citation is an erroneous violation based solely on the dismissal of the citation by a court. Liquidated damages are specified as "for each erroneous violation equal to at least 50% of the fine amount for the erroneous violation, plus any reimbursements paid by the local jurisdiction".
- Add Article 11 – Implementation of Amendment: "The City may cancel the contract with the Contractor if the Contractor violates the law in implementing the contract."

Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this amendment and the Agreement or any earlier amendment, the terms of this amendment will prevail.

IN WITNESS WHEREOF, The City of Salisbury and Brekford Corporation have executed and delivered this Amendment effective as of the Effective Date.

CITY OF SALISBURY

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Dated: \_\_\_\_\_

"Brekford Corporation"

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Dated: \_\_\_\_\_